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Letter dated 19 April 2001 from the Secretary-General to the President of the Security Council

I have the honour to refer to resolution 827 (1993) of 25 May 1993, by which the Security Council established the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (the "International Tribunal").

I also have the honour to refer to Security Council resolutions 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000, by which the Council amended the statute of the International Tribunal, as adopted in resolution 827 (1993).

Articles 13 and 13 ter of the statute of the International Tribunal, as amended, provide as follows:

"Article 13

"Qualifications of judges

"The permanent and ad litem judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

"Article 13 ter

"Election and appointment of ad litem judges

"1. The ad litem judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for ad litem judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

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(b) Within sixty days of the date of invitation of the Secretary-General, each State may nominate up to four candidates meeting the qualifications set out in article 13 of the Statute, taking into account the importance of a fair representation of female and male candidates;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than fifty-four candidates, taking due account of the adequate representation of the principal legal systems of the world and bearing in mind the importance of equitable geographical distribution;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the twenty-seven ad litem judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected;

(e) The ad litem judges shall be elected for a term of four years. They shall not be eligible for re-election.

"2. During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years. When requesting the appointment of any particular ad litem judge, the President of the International Tribunal shall bear in mind the criteria set out in article 13 of the Statute regarding the composition of the Chambers and sections of Trial Chambers, the considerations set out in paragraphs 1 (b) and (c) above and the number of votes the ad litem judge received in the General Assembly."

Pursuant to paragraph 1 (a) of article 13 ter of the statute of the International Tribunal, States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters were invited, by means of a letter dated 15 February 2001, to submit nominations for 27 ad litem judges of the International Tribunal, and were informed that, within 60 days of the date of that letter, they might nominate up to four candidates meeting the qualifications set out in what is now article 13 of the Tribunal's statute, following the amendments that were introduced by the Security Council in its resolution 1329 (2000).

They were informed that, should they decide to nominate two or more candidates, then they were at liberty, should they wish to do so, to nominate candidates who were of the same nationality as each other. They were also informed that they were at liberty, should they wish to do so, to nominate a candidate or candidates who were of the same nationality as a permanent judge of the International Tribunal.

They were further advised that, should they decide to nominate a candidate or candidates, then, in accordance with paragraph 1 (b) of article 13 ter of the Tribunal's statute, they should take into account the importance of a fair representation of female and male candidates.

Pursuant to paragraph 1 (c) of article 13 ter of the statute of the International Tribunal, as amended by the Security Council in its resolution 1329 (2000), I have the honour herewith to forward to the Council the 60 nominations which I have received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the 60-day period specified in paragraph 1 (b) of article 13 ter of the statute as amended (see annex). The list of candidates is set out in alphabetical order, together with the curricula vitae which have been provided to me in connection with their nominations.

I would like to take this opportunity to note that, pursuant to paragraph 1 (a) of article 13 quater of the statute of the International Tribunal as amended, the ad litem judges of the International Tribunal elected in accordance with article 13 ter are required, during the period in which they are appointed to serve in the Tribunal, to serve on a full-time basis and may not during that time, engage in any other occupation of a professional nature or exercise any political or administrative function.

I would also take this opportunity to note that, although the ad litem judges are not expected at any point to take up residence at the seat of the International Tribunal in The Hague, they are expected to hold themselves fully at the disposal of the Tribunal during the period in which they are appointed to serve in the Tribunal.

(*Signed*) Kofi A. **Annan**

Annex to the letter dated 19 April 2001 from the Secretary-General to the President of the Security Council

List of candidates nominated by Governments (in alphabetical order)

No.	Name	National of	Nominated by the Government(s) of
1.	Mr. Aydin Sefa Akay	Turkey	Turkey
2.	Ms. Carmen María Argibay	Argentina	Argentina
3.	Ms. Lucy Asuagbor	Cameroon	Cameroon
4.	Mr. Jeremy Badgery-Parker	Australia	Australia
5.	Mr. Chifumu Kingdom Banda	Zambia	Zambia
6.	Mr. Roberto Bellelli	Italy	Italy
7.	Mr. Pierre G. Boutet	Canada	Canada
8.	Mr. Hans Henrik Brydensholt	Denmark	Denmark
9.	Mr. Guibril Camara	Senegal	Senegal
10.	Mr. Joaquín Martín Canivell	Spain	Spain
11.	Mr. Romeo T. Capulong	Philippines	Philippines
12.	Mr. Oscar Ceville	Panama	Panama
13.	Mr. Isaac Chibulu Tantameni Chali	Zambia	Zambia
14.	Mr. Arthur Chaskalson	South Africa	South Africa
15.	Ms. Maureen Harding Clark	Ireland	Ireland
16.	Mr. Cenk Alp Durak	Turkey	Turkey
17.	Mr. Moïse Ebongue	Cameroon	Cameroon
18.	Mr. Mathew Epuli	Cameroon	Cameroon

19.	Mr. Albin Eser	Germany	Germany
20.	Mr. Mohamed Al Habib Fassi Fihri	Morocco	Morocco
21.	Mr. John Foster Gallop	Australia	Australia
22.	Mr. Joseph Nassif Ghamroun	Lebanon	Lebanon
23.	Mr. Michael Grotz	Germany	Germany
24.	Mr. Calude Hanoteau	France	France
25.	Mr. Hassan Bubacarr Jallow	Gambia	Gambia
26.	Ms. Ivana Janů	Czech Republic	Czech Republic
27.	Mr. Aykut Kiliç	Turkey	Turkey
28.	Ms. Flavia Lattanzi	Italy	Italy
29.	Mr. Per-Johan Lindholm	Finland	Finland
30.	Mr. Agustín P. Lobejón	Spain	Spain
31.	Ms. Irene Chirwa Mambilima	Zambia	Zambia
32.	Mr. Dick F. Marty	Switzerland	Switzerland
33.	Ms. Jane Hamilton Mathews	Australia	Australia
34.	Ms. Suzanne Mengue Zomo	Cameroon	Cameroon
35.	Mr. Ghulam Mujaddid Mirza	Pakistan	Pakistan
36.	Mr. Ahmad Aref Moallem	Lebanon	Lebanon
37.	Mr. Mphanza Patrick Mvunga	Zambia	Zambia
38.	Mr. Rafael Nieto-Navia	Colombia	Colombia
39.	Mr. Léopold Ntahompagaze	Burundi	Burundi
40.	Mr. André Ntahomvukiye	Burundi	Burundi

41.	Mr. Cesar Pereira Burgos	Panama	Panama
42.	Mr. Mauro Politi	Italy	Italy
43.	Ms. Vonimbolana Rasoazanany	Madagascar	Madagascar
44.	Mr. Ralph Riachy	Lebanon	Lebanon
45.	Mr. Ingo Risch	Germany	Germany
46.	Mr. Robert Roth	Switzerland	Switzerland
47.	Mr. Zacharie Rwamaza	Burundi	Burundi
48.	Mr. Sourahata Babouccar Semega-Janneh	Gambia	Gambia
49.	Mr. Tom Farquhar Shepherdson	Australia	Australia
50.	Mr. Amarjeet Singh	Singapore	Singapore
51.	Ms. Ayla Songör	Turkey	Turkey
52.	Mr. Albertus Henricus Joannes Swart	Netherlands	Netherlands
53.	Mr. György Szénási	Hungary	Hungary
54.	Mr. Ahmad Takkieddine	Lebanon	Lebanon
55.	Mr. Krister Tholin	Sweden	Sweden
56.	Mr. Stefan Trechsel	Switzerland	Switzerland
57.	Ms. Christine Van Den Wyngaert	Belgium	Belgium
58.	Mr. Volodymyr Vassylenko	Ukraine	Ukraine
59.	Mr. Lal Chand Vohrah	Malaysia	Malaysia
60.	Ms. Sharon A. Williams	Canada	Canada